



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

September 29, 1986

Bridge Posting - Privately Owned Structures

SUPERINTENDENTS OF HIGHWAYS
MUNICIPAL ENGINEERS
CONSULTING ENGINEERS

#86-27

We have recently learned that several local highway authorities are concerned about posting or closing privately owned structures (such as railroad owned bridges) which carry public highways over them. They have expressed concern about whether or not it is their responsibility to take these actions rather than the owner of the structure.

Legal Counsel for this Department believes that requirements of the "Illinois Highway Code" and the "Illinois Vehicle Code" are very clear and indicate the duty to post and warn the public of hazards rests with the highway authority exclusively, regardless of whether the structure is publicly or privately owned and/or maintained. The specific sections of the statutes that apply are: 11-304 & 15-317(b) of Chapter 95 1/2 and 5-101.10, 6-201.11, and 6-201.16 of Chapter 121 of the Illinois Revised Statutes.

Whether the bridge or elevated structure is publicly or privately owned; if a public highway is carried by the structure, it is subject to inspection and posting if necessary. In addition to State law, the National Bridge Inspection Standards (23 CFR 650.301-650.311) also contain requirements for the inspection and posting of bridges.

The District Engineers have a current listing of deficient privately owned structures. Questions regarding necessary postings and inspections of these bridges should be referred to your District Local Roads Engineer. Thanks for your cooperation in the resolution of this problem.

Very truly yours,

John W. McCree
Engineer of Local
Roads and Streets

cc-
District Engineers